

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

VIRNETX INC., et al §
§
V. § CIVIL NO. 6:12-CV-855
§
APPLE INC. §

MINUTES FOR SECOND DAY OF TRIAL
HELD BEFORE JUDGE ROBERT W. SCHROEDER III
OCTOBER 28, 2020

OPEN: 9:08 a.m. ADJOURN: 4:27 p.m.

ATTORNEYS FOR PLAINTIFFS: Brad Caldwell, Justin Curry, Jason Cassidy and Johnny Ward

ATTORNEYS FOR DEFENDANT: Mike Jones, Greg Arovas, Jeanne Heffernan and Robert Appleby

LAW CLERK: Jacob Vannette

COURTROOM DEPUTY: Betty Schroeder

COURT REPORTER: Shelly Holmes

9:08 a.m. Outside the presence of the Court, Mr. Jones argues as to what Apple is permitted to cross examine Mr. Larsen on; Court questions Mr. Jones; Mr. Jones responds; Mr. Caldwell responds to argument; Mr. Jones replies; Court responds - overrules objection

9:19 a.m. Ms. Heffernan argues Apple's objection to Mr. Weinstein testimony; Mr. Cassady responds; Court responds

9:29 a.m. Mr. Arovas confirms that the parties will bring all JMOLs at the conclusion of all the evidence; Court confirms

9:30 a.m. Mr. Curry asks if Dr. Jones may be excused; no objections

9:30 a.m. Court questions Plaintiffs if there is an objection to a demonstrative of Mr. Blaze; Mr. Cassady advises that there is an objection

9:31 a.m. Court and parties discuss time line for today; Court would like to have final proposed instructions by close of business today

9:34 a.m. Jury seated

9:36 a.m. Mr. Cassady moves into evidence exhibits used yesterday; Ms. Heffernan moves into evidence exhibits used yesterday

9:38 a.m. Mr. Cassady calls Kendall Larsen; witness sworn in

9:46 a.m. Objection by Mr. Jones; Mr. Cassady responds; sustained

9:47 a.m. Objection by Mr. Jones; Mr. Cassady responds; Court responds

10:43 a.m. Objection by Mr. Jones; bench conference

10:47 a.m. Mr. Cassady continues with direct examination of Mr. Larsen

10:53 a.m. Objection by Mr. Jones; bench conference

10:54 a.m. Mr. Cassady continues with direct examination of Mr. Larsen

10:56 a.m. Recess

11:13 a.m. Outside the presence of the jury, the Court advises the parties of a concern with one of the jurors; Court questions the juror; Mr. Ward questions the juror; no questions from the defendant

11:18 a.m. Outside the presence of the jury, the Court and parties discuss the situation

11:20 a.m. Recess

11:28 a.m. Outside the presence of the jury, Mr. Jones addresses the Court regarding Apple's position; Mr. Ward agrees; Court responds; juror brought back into courtroom; Court asks the juror to get more information and report back during lunch

11:36 a.m. Recess

12:32 p.m. Outside the presence of the jury, the Court advises the parties the juror should be dismissed because of the circumstances; parties agree; juror brought into courtroom; Court addresses the juror and advises him that he will be dismissed

12:39 p.m. Recess

12:46 p.m. Jury seated; Court explains the absence of one of the jurors

12:50 p.m. Mr. Jones begins cross examination of Mr. Larsen

1:26 p.m. Bench conference

1:27 p.m. Mr. Jones continues with cross examination of Mr. Larsen

1:29 p.m. Mr. Cassady begins redirect examination of Mr. Larsen

1:30 p.m. Objection by Mr. Jones; bench conference

1:30 p.m. Mr. Cassady continues

1:34 p.m. Objection by Mr. Jones; Court - rephrase the question

1:37 p.m. Objection by Mr. Jones; Court - sustained

1:42 p.m. Mr. Jones begins recross examination of Mr. Larsen

1:45 p.m. Mr. Cassady calls Mr. Roy Weinstein; witness sworn in

1:46 p.m. Mr. Cassady asks the Court if Mr. Larsen may be excused; no objections

1:46 p.m. Mr. Cassady begins direct examination of Mr. Weinstein

1:53 p.m. Mr. Cassady offers Mr. Weinstein as an expert on the evaluation of intellectual property, on the calculation of patent damages, and on the analysis of the hypothetical negotiation; no objections

2:49 p.m. Courtroom sealed

2:50 p.m. Recess

3:06 p.m. Jury seated

3:08 p.m. Mr. Cassady continues with direct examination of Mr. Weinstein

3:15 p.m. Courtroom unsealed

3:15 p.m. Mr. Cassady continues with direct examination of Mr. Weinstein

3:31 p.m. Ms. Heffernan begins cross examination of Mr. Weinstein

4:23 p.m. Bench conference

4:25 p.m. Jury excused for the day

4:25 p.m. Outside the presence of the jury; Court advises parties he has received the proposed Instructions

4:27 p.m. Recess